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SECURITY COUNCIL
Fiftieth year

STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL ECONOMIC ASSISTANCE: SPECIAL ECONOMIC ASSISTANCE TO INDIVIDUAL COUNTRIES OR REGIONS

Letter dated 27 December 1995 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the decision of the Government of Ukraine regarding a suspension of the Security Council sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) (see annex).

I should be most grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda item 20 (b), and of the Security Council.

(Signed) Anatoly M. ZLENKO
Permanent Representative

* Reissued for technical reasons.

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Annex

[Original: Russian]

CABINET OF MINISTERS OF UKRAINE

DECISION NO. 1016
of 23 November 1995
Kiev

Measures by the Government of Ukraine in connection with the suspension by the United Nations Security Council of the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)

In connection with Security Council resolution 1022 (1995) of 22 November 1995 on the suspension of sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro), the Cabinet of Ministers of Ukraine hereby decides:

1. To consider as no longer in force:

Decision No. 342 of 17 June 1992 of the Cabinet of Ministers of Ukraine on "Implementation of United Nations Security Council measures concerning the Federal Republic of Yugoslavia (Serbia and Montenegro)", and

Decision No. 356 of 17 May 1993 of the Cabinet of Ministers of Ukraine on "Implementation of the resolutions of the United Nations Security Council concerning the Federal Republic of Yugoslavia (Serbia and Montenegro)".

2. The ministries and departments, the Government of the Crimean Autonomous Republic, the regions and the Kiev and Sevastopol administrations shall take measures to restore economic ties with the Federal Republic of Yugoslavia (Serbia and Montenegro).

E. Marchuk
Prime Minister of Ukraine

V. Pustovoitenko
Minister in the Cabinet of Ministers of Ukraine

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 29 December 1995 from the Chargé d'affaires a.i. of Kyrgyzstan to the United Nations addressed to the Secretary-General

I hereby have the honour to inform you that, for the first time, multiparty presidential elections have been held in the Kyrgyz Republic. Of the total number of voters, 86.19 per cent took part. The incumbent President Askar Akayev garnered the overwhelming majority of the votes (71.59 per cent); the second candidate for the highest State office, the Kyrgyz communist leader Apsamat Masalievich Masaliev, took 24.42 per cent of the vote, and Medetkan Sherimkulov, the former speaker of parliament and the third presidential candidate, attracted just 1.72 per cent.

At the invitation of the Government of the Kyrgyz Republic, representatives of the United Nations Development Programme (UNDP) and the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) travelled to Kyrgyzstan to coordinate the work of international observers and to observe the election campaign and the conduct of the election itself. In this context, I have the honour to transmit the text of the statement by the UNDP/OSCE Joint Observer Mission regarding the results of the presidential election in the Kyrgyz Republic (see annex).

I should be grateful if you would have this letter and its annex circulated as an official document of the General Assembly under agenda item 112 (b).

(Signed) Askar AITMATOV
Chargé d'affaires, a.i. of the
Permanent Mission of Kyrgyzstan
to the United Nations

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ANNEX

Statement of the OSCE/UNDP joint electoral observation mission in the Kyrgyz Republic

On 24 December 1995, the Kyrgyz Republic held its first multi-party presidential elections. Upon the invitation of the Government of the Kyrgyz Republic, representatives of the UNDP and the OSCE Office for Democratic Institutions and Human Rights arrived in Kyrgyzstan on 19 November and 3 December to coordinate a delegation of 37 international observers and monitor pre-election and election day activities. The delegation included observers from Canada, Denmark, Germany, Indonesia, Netherlands, Sweden, the United Kingdom and the United States of America. Two teams of two observers each were present in every oblast, with the exception of Naryn where there were a team of one and a team of two. In the city of Bishkek, there were seven teams present. The delegation included election experts, academics specializing in Central Asia, and government officials from member States.

The Joint Operation found that activities on election day itself were generally free and open. However, some legal and constitutional concerns were raised regarding the process of registering candidates and revoking their registration, and about the conduct of the election campaign. Eleven days before election day three of the six candidates had their registration revoked by the Supreme Court. Despite a continuation of "family voting" and some irregularities concerning control of the mobile ballot boxes and ballots, the overall results seem consistent with the will of the voters. For the most part, the Joint Operation found the presidential elections to be a step forward from the elections to the Jogorku Kenesh (Parliament) held in the Kyrgyz Republic earlier this year.

Approximately two thirds of the electorate turned out despite a snowstorm in much of the country. Voters did not encounter physical intimidation or other administrative obstacles which might have prevented them from participating in the process. The demographic profile of voters seemed skewed to the middle to older range, although younger voters did participate.

Polling sites were well marked and seemed easily accessible to voters. Polls opened on time and officials generally seemed to have organized the sites well. Officials controlled the electoral lists to check the identity of voters, issue ballots and allow voters to make their selections in private voting booths. Representatives of the candidates were present at most polling sites. For the most part, ballot boxes were clearly visible to representatives of the respective candidates, militiamen, electoral officials, and international observers.

Officials and voters seemed generally familiar with the physical procedures required for the process of casting a ballot. This is probably a by-product of experience and the high rate of literacy and a simplified selection process involving only one ballot (since the proposed referendums were cancelled). With exceptions in some cases during the late-morning "rush hour", voting went smoothly and with no noticeable delays or lines.

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The general atmosphere at the majority of sites international observers visited was calm and orderly. Some campaign materials, mainly posters, supporting one of the candidates were noticed at the entrances and inside of some polling stations. Once officials were informed of these violations, the materials were removed.

International observers found that in many cases, particularly in urban areas, as well as in Issyk Kol and Naryn oblasts, electoral officials refused to allow voters to cast ballots for family members; instead they suggested that those family members be brought to the polling station or have their names placed on the list for the mobile ballot box. Family voting, however, was prevalent in Talas, Chui, Dzalal-Abad, and Osh Oblasts, as well as in a number of sites in Bishkek.

There were varying impressions among international observers about the conduct of voting through mobile ballot boxes. For the most part international observers who accompanied mobile ballot boxes did not witness violations and were fairly confident of their security when the mobile boxes were accompanied by domestic observers. Concern arose, however, regarding the number of mobile ballot boxes per polling site and the potential use of the mobile ballot box to pressure people who had not voted at their polling site to do so at their place of residence.

International observers found at most polling sites a special list for voters not on the original voter lists. To be entered onto the supplemental list, a voter was required to present the "propiska" in his or her passport designating the place of residence. Though poll workers generally adhered to this requirement, in Bishkek, the presence of over 200-300 voters on supplemental lists in a few polling sites with 1,500-2,000 total voters raised concerns regarding the efficiency and the manner in which the original voter lists for this cycle were compiled.

The tabulation of ballots generally was carried out in an organized and efficient manner and without any efforts to manipulate either the results of the turnout. Ballot stuffing during the vote count, however, was observed at one site in the city of Talas. No similar violations were reported by any of the other international observers.

Although the teams in Talas reported polling site officials obstructing them from carrying out their observation, on the whole, international observers were received in a friendly, professional manner throughout the day.

The United Nations/OSCE Joint Electoral Mission was honoured to have shared this historic experience with the citizens of the Kyrgyz Republic. We wish them well as they continue to build the institutions of a democratic society.

Bishkek
December 1995
United Nations/OSCE Joint Electoral Office

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THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Report of the Secretary-General

I. INTRODUCTION

1. The present report is submitted to the General Assembly following the report of the Secretary-General of 12 October 1995 on the situation of democracy and human rights in Haiti (A/50/548), and pursuant to resolution 50/86 of 15 December 1995, in which the Assembly, inter alia, requested the Secretary-General to submit regular reports to it and, in operative paragraph 2, stated its readiness, upon consideration of a recommendation by the Secretary-General and at the request of the Haitian authorities, to extend the United Nations component of the International Civilian Mission to Haiti (MICIVIH) beyond 7 February 1996 in an appropriate resolution. The report provides an assessment of the current human rights situation in Haiti and an evaluation of institutions charged with human rights protection. In accordance with paragraph 2 of the above-mentioned resolution, the report sets out a proposal for a programme of future activities for an extended MICIVIH mandate. The report has been prepared in consultation with the Secretary-General of the Organization of American States (OAS).

II. THE HISTORICAL CONTEXT AND THE WORK OF THE INTERNATIONAL CIVILIAN MISSION TO HAITI 1993-1994

2. MICIVIH, under the joint auspices of the United Nations and OAS, was established in February 1993 at the request of Haiti's elected president, the Reverend Jean-Bertrand Aristide, in view of the gravity of the human rights situation under the military-backed de facto regime.

3. MICIVIH was deployed throughout Haiti's nine administrative regions from February until October 1993, when its observers were evacuated on security grounds following actions by the military authorities that prevented the

disembarkation of the military contingent of the United Nations Mission in Haiti (UNMIH) from the United States naval vessel Harlan County. This led to the withdrawal of the first elements of UNMIH that were already in the country. MICIVIH returned to Haiti in January 1994. Based only in Port-au-Prince, observers made regular visits to the provinces. However, the Mission faced growing restrictions on its movements. The military authorities, which had become increasingly uncooperative since July 1993, expelled MICIVIH in July 1994 after deeming its presence undesirable.

4. The mandate of MICIVIH required it to ensure that human rights inscribed in the Constitution and in international instruments to which Haiti is a party were respected. Particular attention was paid to respect for the right to life, the integrity and security of the person, individual liberty and freedom of expression and association.

5. From the outset, the Mission documented widespread arbitrary detention, systematic beating and torture, internal displacement and persistent violation of the right to freedom of expression and association. After the signing of the Governors Island Agreement in July 1993 (see A/47/975-S/26063, para. 5), the human rights situation deteriorated, with the emergence of a pattern of extrajudicial executions and enforced disappearances. Many persons, in particular members of popular organizations, were arbitrarily arrested and held in illegal detention, including in secret detention centres. Torture continued on a large scale. After its return to Haiti in January 1994, MICIVIH documented a further major deterioration in the situation, including a new phenomenon, that of politically motivated rape. Throughout. the repression appeared to be aimed at the destruction of the pro-democracy movement and was concentrated in poor neighbourhoods and rural areas known for their support of President Aristide.

6. The violations were committed mainly by members of the Haitian Armed Forces (FADH), and chefs de section (rural police chiefs), along with FADH military-backed armed civilians known as attachés and other unofficial armed groups. After September 1993, a new paramilitary group, the Front révolutionnaire pour l'avancement et le progrès d'Haïti (FRAPH), emerged. Its members are accused of having carried out widespread human rights violations. These military and military-backed groups acted with absolute impunity, with little or no official attempt to investigate violations or to sanction the perpetrators.

III. HUMAN RIGHTS AFTER THE RETURN OF PRESIDENT ARISTIDE

7. Authorized by the Security Council in its resolution 940 (1994) of 31 July 1994, a Multinational Force (MNF) was deployed in Haiti in September 1994 to facilitate the departure of the military authorities and the return of President Aristide and constitutional government. President Aristide returned to Haiti on 15 October 1994. UNMIH replaced MNF on 31 March 1995 and was charged with helping to maintain a stable and secure environment. MICIVIH activities resumed on 26 October 1994, with the reopening of its headquarters and an office in Port-au-Prince. Twelve further offices were subsequently opened in Haiti's nine departments. By June 1995, a total of 190 observers had been deployed, although the number of observers had dropped to 165 by December. With the return to constitutional order, MICIVIH has been operating in a very

different political and human rights context. At a 4 November 1994 meeting, senior representatives of the United Nations and OAS agreed that while the Mission would continue to give priority to the monitoring and promotion of human rights, it would also contribute, within its mandate, to the strengthening of democratic institutions, in particular those relating to human rights protection. It was also agreed that MICIVIH would participate in the monitoring of the forthcoming elections during which it would pay particular attention to respect for the freedoms of expression and assembly. During its third deployment, the Mission has also placed emphasis on institution-building and human rights promotion.

8. Since President Aristide's return, the human rights situation has improved substantially. The systematic violation of human rights ceased with the presence of MNF and the return to constitutional order, with the neutralization of the FRAPH and other military-backed groups and after the dismantling of the armed forces. The fundamental freedoms of expression, association and assembly are widely enjoyed, including by those critical of the President and the Government. An Interim Public Security Force (IPSF) was initially deployed under the supervision of international police monitors who were part of MNF. The IPSF incorporated former members of the FADH whom screening had cleared of human rights violations and former refugees trained at Guantánamo. A new civilian police force, the Haitian National Police (HNP), was subsequently created and has now taken over from the IPSF, which was abolished in December 1995. There have been efforts to reform the judicial system, including training programmes for judicial officials. A civilian body charged with the administration of Haiti's prisons has been created and a programme of penal reform is being implemented.

9. The activities of MICIVIH during its third deployment were described in some detail in my report of 12 October 1995 on the situation of democracy and human rights in Haiti (A/50/548). Since the report, MICIVIH has continued to monitor human rights violations by state agents and to raise such cases with the relevant local and national authorities. In this regard, it has made a number of recommendations to the Ministry of Justice, police and penal authorities both on individual cases of abuse and on general measures that could improve human rights protection. These include strengthening institutional mechanisms that are being set up to investigate complaints of human rights abuses committed by police, prison guards and judicial officials.

10. In addition to regular monitoring of conditions of detention, surveys have been carried out in all prisons to identify detainees, including juveniles, held beyond legal limits pending trial in order to expedite the resolution of the most flagrant cases. MICIVIH has continued to monitor the prison register system and to train prison officers in its correct use. It has also provided legal advice to a ministerial committee on possible solutions to prison overcrowding.

11. MICIVIH has continued to participate in the human rights training of new police cadets, their supervisors, presidential security agents, examining magistrates and justices of the peace. It has monitored the functioning of the judiciary at all levels and made representations to local and national authorities when due process has not been respected. It has also provided

support to the newly created Brigade d'enquêtes criminelles through the transmission of certain pre-screened dossiers to the civilian police component of UNMIH and has submitted to the Ministry of Justice recommendations for reform related to disarmament, the ratification of international human rights instruments and other legal issues.

12. MICIVIH has completed the handover of dossiers, including medical ones, on past cases of human rights violations that had been requested by the National Commission on Truth and Justice. The Mission's forensic anthropologist provided technical assistance to the Commission and submitted a report on exhumations that had been carried out. The Mission's medical unit, in addition to preparing medical reports on victims of abuses, has facilitated the establishment of a network to rehabilitate such victims.

13. As part of the human rights and civic education programme, a number of seminars have been organized throughout the country bringing together a wide spectrum of local organizations and government, police, judicial and local elected officials. MICIVIH has also developed a programme to train trainers in order to strengthen local capacity in this area. In zones where land conflicts are prevalent, MICIVIH has contributed to the peaceful resolution of disputes by facilitating dialogue between the opposition parties and between those parties and government and judicial officials. A series of videos and radio programmes have been produced by the Media Unit, both about MICIVIH work and about prisons, police and other related topics, as well as a monthly newsletter.

14. Finally, MICIVIH observers monitored the human rights aspects of the presidential election campaign, as well as being seconded to the OAS Electoral Observation Mission to monitor the voting on 17 December 1995.

15. Nevertheless, weaknesses in the institutions charged with human rights protection, including the new police force, highlight the need for further training and reform in order to eradicate and prevent abuses. Although abuses are not widespread, systematic or - except in the case of certain judicial practices - institutionalized, MICIVIH has identified a number of problems. These have principally involved the use of excessive force by police, including several individuals being shot dead or injured, as well as some cases of beatings by prison guards and, in a few instances, by police. Of particular concern is the fact that some of the victims of ill-treatment in detention have been minors. Some arbitrary arrests have been reported and police have on occasion failed to respect legal procedures when conducting searches. Official assurances that alleged misconduct will be investigated are encouraging. However, few have thus far resulted in sanctions and it is clear that the newly instituted internal investigative and disciplinary mechanisms need to be strengthened. Despite greater efforts by judicial officials to respect legal and constitutional guarantees - including procedural time-limits - arbitrary and illegal practices persist, including irregularities in the preparation of arrest warrants, restrictions on the right to defence, prolonged pre-trial detention and some cases of non-respect by prosecutors of decisions handed down by examining judges.

16. The persistence of incidents of summary "justice" has also been of concern. In these cases persons suspected or caught in the act of breaking the law, or,

to a much lesser extent, suspected of witchcraft, are killed by spontaneously formed crowds. This underlines the continuing lack of public confidence in the ability of the public security and judicial systems to fulfil their responsibilities satisfactorily. Also of particular concern is a series of targeted killings by armed assailants in which robbery did not appear to be the motive, although no evidence has emerged to date to link these killings to state agents. Victims have included both known supporters and opponents of President Aristide, as well as others. Because of the police and judiciary's lack of investigative capacity, no progress has yet been made in solving these crimes.

17. The underlying fragility of the current situation was highlighted during the disturbances that followed the killing of Deputy Feuillé on 7 November 1995 and the speech by President Aristide at his funeral, in which the President called on the population to assist police with disarmament. Subsequent incidents included searches of arms in homes and vehicles by crowds that police were often unable to control. In addition, several former military and other perceived associates of the de facto government were murdered or injured, or had their property destroyed, by crowds. These incidents served as a reminder that intensified efforts are needed to strengthen the institutions charged with the effective guarantee of human rights and of the law.

IV. STATUS OF INSTITUTIONS CHARGED WITH GUARANTEEING HUMAN RIGHTS

A. The police

18. The creation of the new civilian police (HNP) has been a major step forward in the direction of ending the type of systematic abuse of human rights that characterized the former Haitian Armed Forces under the de facto regime. Between June and December 1995, two thirds of the projected 5,000 newly trained police agents were deployed throughout Haiti. Viewed from the perspective of human rights protection and accountability for police actions, the performance of the HNP to date has been encouraging, although some structural problems remain. The four-month training programme needs to be complemented by continuous education, as well as the training of suitable candidates for officer positions, which is envisaged for spring 1996. Specific police units have been trained and deployed for security at the Presidential Palace, at government ministries and at courts of law (officiers de sécurité judiciaire). Training and initial deployment have also begun for a criminal investigations unit (Brigade d'enquêtes criminelles), but further training and guidance in investigation techniques will be required for this group, as well as specific training for the planned riot control unit (compagnie d'intervention).

19. A new police Inspectorate-General (Inspection générale) was set up, inter alia, to investigate complaints of police abuses. It needs to be strengthened through further training of inspectors in investigation techniques as well as through the elaboration of clearer disciplinary regulations and procedures. Its relationship with the criminal justice system would benefit from clarification. By a presidential decree of 6 December 1995, some agents of the IPSF, including 900 Guantánamo trainees, were incorporated into the HNP. They also include 130 former FADH officers who were assessed as "good to

excellent performers" by the civilian police component of UNMIH while serving with the IPSF. Their training, functions and possible criteria for the evaluation of their suitability for their new positions are under discussion.

20. MICIVIH has been instrumental in bringing to the attention of central authorities problems with police functioning in the field, in particular with regard to the use of firearms and excessive force, as well as in incorporating such information into the training curriculum for new recruits at the Police Training Academy (Académie de Police). In view of the increasing numbers of persons held for longer periods of time in police detention centres, training of police and the elaboration of appropriate regulations in the treatment of persons in police custody must be addressed. Often in conjunction with material and logistical deficiencies, problems with police conduct remain. Such problems include breaches of basic discipline such as the non-wearing of uniforms and lack of proper identification on vehicles; the bearing of arms while off duty; the disproportionate use of force in carrying out police duties; lack of experience in the legitimate use of firearms; inappropriate methods of crowd control; and insufficient use of techniques for the peaceful settlement of disputes. Disciplinary measures for transgressions by individual police agents have, for the most part, not been forthcoming, and the prosecution system has been slow to respond in establishing individual responsibility for instances of death or serious injury at the hands of the police. Public confidence in the new Haitian police has suffered as a result.

B. The penal system

21. The implementation of an internationally funded programme of penal reform, begun in the spring of 1995, has resulted in extensive improvements in prison conditions and the treatment of persons in detention throughout Haiti. Despite these improvements, conditions of detention are still below acceptable international norms. The penal system has also benefited from the creation of an independent, civilian National Authority for Prison Administration, the APENA (Administration pénitentiaire nationale). A two-week training session was held in June 1995 for newly recruited guards, including a selection of former Haitian army personnel. The efficiency of the new Haitian police has resulted in a marked increase in arrests, which, together with judicial delays and the tendency to imprison suspects pending trial, is putting pressure on the prison system to handle ever larger numbers of detainees awaiting trial. Each instance of a prison escape, often made easier by dilapidated prison facilities, leads to increased public concern about the prison system and its impact on public security. Efforts are being made to speed up the processing of prisoners, in particular in Port-au-Prince. Moreover, a circular is being prepared on the prevention of unnecessary arrests and measures to facilitate the release of prisoners.

22. Material problems with sanitation, nutrition and health care also remain. In addition, the imprisonment of detainees in facilities intended for persons in police custody hampers the effectiveness of the penal reform programme, which deals exclusively with the penitentiary system. Despite substantial improvements in prisoner registration, achieved with MICIVIH assistance, numerous pre-trial detainees still fall in the gap between prison administration

and prosecution authorities. Possibly owing to increased tensions arising from overcrowding, instances of ill-treatment of detainees, though still fairly sporadic, are on the rise. Further training of guards on the proper scope of their functions, as well as necessary improvements in internal investigation mechanisms and disciplinary procedures, are becoming urgent. The elaboration of regulations and procedures relating to prison discipline is also needed. Resources have yet to be identified for the creation of facilities specifically for the care and treatment of juvenile offenders, although their separation from adults has been, for the most part, secured.

C. The judicial system

23. It is widely accepted that the Haitian judicial system is in urgent need of large-scale reform. Important initiatives to date, some of which have been implemented with international donor assistance, have included the setting up of the Judicial Training College (École de la Magistrature) in July 1995, providing supplementary training for judicial officials. Additional courthouses have been opened, basic equipment has been provided and a programme of rehabilitation and construction of courthouses has been prepared. In addition, a decree on judicial discipline has been promulgated and a large number of judges and prosecution officials have been replaced as part of a continuing process. However, more fundamental problems exist. The protection of human rights through a judicial system is predicated on the independence and impartiality of the judiciary. Although the Haitian judicial system is conceived as a separate, independent entity of state power, it has historically been subordinated to the executive. Considerable effort is still needed to instil in the judiciary a tradition of objectivity, independence and impartiality.

24. Detention of suspects under judicial investigation is the norm. This, combined with an increasing backlog of cases, has led to prison overcrowding. Historically, low salaries - although increased in 1995 - have led judicial officials to supplement their income by teaching at secondary schools, and have encouraged a culture of demanding payment for judicial services. Chronic understaffing, inadequate and crumbling facilities, and lack of basic equipment further exacerbate the existing backlogs and damage the prestige of the institution. The total lack of any form of legal assistance to indigent defendants makes it virtually impossible for the vast majority to protect their rights. The use of the French language in the courtroom limits the ability of most defendants to follow the proceedings. There is, consequently, little public confidence that the Haitian judicial system can either bring criminals to justice or protect individuals' rights.

V. PROPOSED PROGRAMME COMPONENTS SHOULD THE MANDATE OF THE INTERNATIONAL CIVILIAN MISSION BE RENEWED

25. Taking into account the foregoing evaluation of institutions charged with protecting human rights and the radically changed political and human rights situation, the responsibilities of MICIVIH during a next phase would consist of two main elements: (a) technical assistance in the field of institution-building based on the observation and evaluation of institutional performance

and reforms with reference to human rights; and (b) the development of a programme for the promotion and protection of human rights. The following is a summary of the proposed main areas of responsibility.

A. Institution-building

26. The MICIVIH contribution to institution-building would be to provide technical assistance to government and institutional bodies in order to consolidate mechanisms for long-term human rights protection in Haiti. It would aim to identify human rights problems within the legal and institutional system and to collaborate in the formulation of solutions through reforms or through the correct use of existing laws and institutions. The programme outlined below builds on elements that have already been initiated by MICIVIH and proposes other areas that could be developed.

1. Cooperation with police institutions

27. MICIVIH would build on the work it has already started with the new Haitian National Police, its aims being, inter alia, to improve the protection of detainees in police custody; to eradicate problems of inappropriate police conduct that have already been identified in the field; to strengthen mechanisms of accountability; to develop among the new police an awareness of human rights issues related to police conduct; and to strengthen the investigative capacity of the HNP. This would be done through consultations with the Ministry of Justice, including the Direction générale de la Police nationale, the Inspection générale de la Police (responsible for conducting inquiries into complaints and reports of police abuses), the Brigade d'enquêtes criminelles, and regional and local branches of the police, and with the judiciary.

28. MICIVIH would continue to participate in the training of police, at the national Police Training Academy (Académie de Police), and possibly at a local level, on issues such as the international standards regulating the use of force and firearms; respect for human rights during arrest and pre-trial detention; human rights standards for search and seizure and lawful crowd-control measures; and human rights considerations for police command, management and control. Training in methods of criminal investigation according to international human rights standards could also be developed, including the collection and use of forensic evidence.

2. Cooperation with penal institutions

29. MICIVIH began its involvement in penal reform in late 1994, collaborating with the Crime Prevention and Criminal Justice Branch of the Secretariat and the United Nations Development Programme (UNDP) to draw up and implement a reform project to create a civilian penal administration system, to train prison guards, to renovate certain detention centres and to establish a prison registration system. Much of that programme is now under way. It is envisaged that MICIVIH would continue to work, through contacts with APENA at both the national and local levels, in the areas of prisoner registration and prison

guard training, and would contribute to the development of internal regulations (in particular in terms of investigating reported excesses by prison guards and the administration of appropriate sanctions in such cases), as well as rules on prison discipline. It could also focus on ways of improving communication between judicial and prison authorities in order to speed up legal proceedings and reduce the risks of prolonged pre-trial detention.

3. Cooperation related to the administration of justice

30. Cooperation related to the administration of justice would involve assistance to a number of different bodies, including the following.

Ministry of Justice

31. Cooperation would consist of advice on legal measures to be taken in order to improve human rights protection through the criminal justice system (for example on issues such as juvenile justice, crime prevention, speedy trials and non-custodial measures); the training of government officials on human rights treaty reporting and international obligations; and cooperation with the Commission de la Refonte des Codes (the Commission set up to revise and update the various legal codes).

Legislature (Assemblée nationale)

32. Cooperation by MICIVIH directed at lasting improvements to Haitian legislation and legislative practice should be extended to the relevant parliamentary committees, for example, the Legislative Reform Committee - to provide assistance in bringing relevant domestic law (i.e. the Penal Code, the Code of Penal Procedure and the penal regulations) into conformity with international human rights standards and with the Haitian Constitution; the International Treaties Committee - to assist in addressing the issue of ratification of and accession to international and regional human rights treaties not yet ratified by Haiti (including United Nations and OAS conventions against torture, and the Optional Protocols to the United Nations International Covenant on Civil and Political Rights); and the Human Rights Committee - to make recommendations on the programme of work and on specific subjects as they arise.

Courts and Prosecutors' Offices (Tribunaux et Parquets)

33. MICIVIH would provide assistance to the Courts and the Prosecutors' Offices to facilitate their understanding of the protection of human rights through the correct application of procedures of criminal prosecution and to provide guidance on the implementation of judicial reforms. Its other main area of assistance would involve the training of judges, prosecutors and clerks on human rights issues related to the administration of justice, using both existing legislation and appropriate international standards for human rights. It would also include reference to forensic and scientific expertise.

Human Rights Ombudsman (Office de la Protection du Citoyen)

34. This office, created by decree in September 1995, has not yet been established. MICIVIH could assist in its development. Other bodies to which MICIVIH could give technical assistance include bar associations and non-governmental legal aid organizations, in particular with regard to legal defence work and the establishment of a legal assistance programme, and faculties of law, regarding the incorporation of human rights-related legal issues into school curricula. MICIVIH would also be in a position to assist in the establishment of a public defender's office, should such a body be created.

4. Cooperation with health-related institutions

35. MICIVIH has already had extensive experience in the field of the treatment and rehabilitation of victims of human rights abuse as well as the medical documentation of human rights violations. In order to strengthen institutional support for victims of human rights abuse, the Mission could provide technical assistance to the appropriate ministries and also non-governmental organizations on these issues: advise on the incorporation of human rights-related aspects of medicine into the curricula of medical and nursing schools; assist in the development of training for public mental health services on human rights-related issues; and facilitate the establishment of a structure charged with the rehabilitation and social reintegration of victims of human rights violations.

5. Possible cooperation regarding institutional follow-up to recommendations of the Truth and Justice Commission (Commission nationale de Vérité et de Justice)

36. At the time of writing, the recommendations of the Truth and Justice Commission are not yet known. They are expected to be submitted to the Government at the end of January 1996. MICIVIH would be able to offer its collaboration on any institution-related follow-up that falls within its mandate.

B. Protection through the promotion of human rights

37. The programme would promote basic human rights, tolerance and peaceful conflict-resolution, as well as an understanding of the responsibilities and role of the citizen, the State and democratic governmental institutions. Programme activities would emphasize education, information and technical assistance to targeted groups and associations and would pay particular attention to the needs of the most vulnerable groups. The training programme for trainers in civic and human rights education begun by MICIVIH would be expanded substantially to involve non-governmental organizations working in adult education, elected government officials at all levels, popular and peasant organizations, women's associations, religious institutions and the formal education sector. MICIVIH would sponsor and participate in seminars and other forums on aspects of women's, children's and workers' rights, as well as on the role of the police, the judiciary and the prison system. MICIVIH would also

prepare printed material, audio and video tapes on human rights issues, international standards and civic education for distribution to the press, state institutions, civil society and specially targeted groups. It would translate into Creole the main international human rights instruments and distribute them as widely as possible.

Cooperation with ministries and other government bodies

38. MICIVIH would offer technical assistance to the Ministry of Women's Affairs in reforming legislation affecting women and in developing campaigns against violence and in favour of women's rights; to the Ministry of Social Affairs in reforming legislation concerning children, developing campaigns for children's rights and protecting children from abuse; to the Ministry of Education in developing human rights curricula and training teachers for schools at every level; to the Office national pour la Migration in protecting the rights of former refugees and internally displaced persons and other Haitians forcibly returned from abroad; and to the Ministry of Agriculture (through the Organisme pour le Développement de la Vallée de l'Artibonite and the Institut national pour la Réforme agraire, in facilitating the resolution of land conflicts through peace-promotion techniques.

VI. RELATIONS BETWEEN THE INTERNATIONAL CIVILIAN MISSION TO HAITI AND THE UNITED NATIONS MISSION IN HAITI

39. MICIVIH operations have been facilitated by its smooth relations with UNMIH, with frequent consultation, coordination and exchange of information taking place at all levels of both Missions. MICIVIH continued to work closely with the civilian police component of UNMIH in monitoring the conduct of the HNP in the area of human rights and in observing the performance of the recently established cadre of corrections officers, as well as conditions of detention.

40. The administrative component of UNMIH has helped meet MICIVIH requirements by providing a full range of administrative services pertaining to personnel, procurement, finance, transport, communications, logistics, movement control, general services, management information, security, building management and engineering. Additional support was provided at times of increased activity, during the period of electoral observation for instance. Outposted UNMIH administrative officers have provided similar support to MICIVIH elements in their areas of operation, in addition to their functions in support of military and civilian police personnel. The Air Operations Section of UNMIH has facilitated and provided transportation on scheduled flights for MICIVIH personnel and equipment to all locations within the Mission area.

VII. OBSERVATIONS AND CONCLUSIONS

41. It is clear that the human rights situation has improved dramatically as a result of the reforms initiated, including the replacement of the Armed Forces by new institutions such as the civilian police force and the civilian penal administration, as well as the efforts of the authorities, timid though they may

be, to uphold accountability. However, serious weaknesses remain in both the old and the new institutions on which the protection of human rights rests. This is the area on which MICIVIH has placed emphasis since its redeployment in October 1994. It is also in this area that the Mission, because of its extensive field experience and expertise, can continue to make a significant contribution to the consolidation of key structures charged with respect of human rights and to the deepening of the incipient democratic process.

42. In my previous report to the General Assembly, in which I recommended an extension of the mandate of MICIVIH until 7 February 1996, I observed that in so doing I had indicated to the Government of Haiti that it would be important that any request for a further extension of the mandate beyond that date be received in time for the General Assembly to be able to consider it under the item entitled "The situation of democracy and human rights in Haiti" at its fiftieth session. After consultation with the Secretary-General of the Organization of American States, who had expressed his readiness for a continued MICIVIH presence in Haiti after 7 February 1996, I stated my intention, upon receipt of a request from the Government of Haiti, to formulate a recommendation to the General Assembly for an extension of the mandate of MICIVIH. As mentioned at the outset of the present report, the General Assembly responded by expressing its readiness to extend the United Nations component of MICIVIH beyond 7 February 1996 upon my recommendation and at the request of the Haitian authorities. The present report was drawn up in the expectation that the Government of Haiti would, as had been indicated, make such a request. No such request had been received at the time the present report went to print. I am not therefore in a position to recommend at this point, that the mandate, as outlined above, of the United Nations component of MICIVIH be extended until 31 August 1996.

43. I am, however, obliged to point out that, given the decisions on the programme budget for the biennium 1996-1997 adopted by the General Assembly in resolution 50/215 of 23 December 1995, and given the cash-flow crisis that continues to afflict the Organization, it would be necessary for the General Assembly to appropriate additional funds to cover the costs of MICIVIH for this further mandate period and for there to be assurances that those funds would be made available in the necessary time-scale. Meanwhile, I am taking the necessary administrative measures that would enable me to respond, as appropriate, should a request be made by the Haitian authorities.

44. In submitting the present report to the General Assembly, I wish to express my appreciation for the excellent and creative work done by the Director of the Mission and his staff in carrying out the mandate entrusted to them.

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Agenda item 55
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-first year

Letter dated 4 January 1996 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 3 January 1996, addressed to you by His Excellency Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

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ANNEX

Letter dated 3 January 1996 from Mr. Osman Ertuğ
addressed to the Secretary-General

I have the honour to bring to your attention a recent statement by the Greek Cypriot Defence Minister, Mr. Costas Iliades, to the effect that the Greek Cypriot side would continue its military build-up and that they would not be intimidated by anyone in this regard. In the said statement, which was reported in the Greek Cypriot press on 30 December 1995, Mr. Iliades is reported to have said the following:

> "The rearmament of the National Guard is the result of a predetermined policy and we shall not accept being bullied by anyone ... With regard to the joint defence doctrine (between the Greek Cypriot administration and Greece), the efforts to implement all decisions are continuing".

This statement, apart from being defiant and provocative in nature, also carries with it serious political and other implications. It shows how propagandistic the Greek Cypriot side's demand for "demilitarization" is, and demonstrates the other side's continuing lack of political will to settle the Cyprus issue by peaceful means. This clearly does not augur well for the future of the negotiations or for peace and stability on the island.

I am sure that the international community will not fail to draw the necessary conclusions from this intransigent and provocative statement by a high-level Greek Cypriot official, at a time when efforts are continuing to revive the intercommunal talks.

I should be grateful if the present letter could be circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

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QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-first year

Letter dated 4 January 1996 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 22 December 1995, addressed to you by His Excellency Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

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ANNEX

Letter dated 22 December 1995 from Mr. Osman Ertuğ
addressed to the Secretary-General

I have the honour to enclose herewith the text of a resolution on the situation in Cyprus adopted by the Twenty-third Islamic Conference of Foreign Ministers, held at Conakry, Guinea from 9 to 12 December 1995.

I should be grateful if you would have the text of the present letter and its appendix circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

APPENDIX

Resolution on the situation in Cyprus adopted by the Twenty-third Conference of Islamic Foreign Ministers, held at Conakry from 9 to 12 December 1995

The Twenty-third Islamic Conference of Foreign Ministers, held at Conakry, Republic of Guinea, from 9 to 21 Rajab, 1416H (9-12 December 1995),

Reaffirming the previous resolutions of the Islamic Conferences on the question of Cyprus which express firm support for the rightful cause of the Turkish Muslim community of Cyprus, which constitutes an integral part of the Islamic world,

Reiterating its support for the efforts of the Secretary-General of the United Nations under his mission of good offices towards a negotiated settlement mutually acceptable to both sides,

Welcoming, in this context, the acceptance by the Turkish Cypriot side of the package of confidence-building measures suggested by the Secretary-General of the United Nations following his assessment of November 1992 that it would be difficult to achieve any success in the negotiations towards a comprehensive settlement as long as the current crisis of confidence between the two sides continues,

Noting that there had been sufficient progress for the United Nations to implement the package of confidence-building measures on the basis outlined in the complementary report of the Secretary-General of the United Nations of 28 June 1994 concerning his mission of good offices,

Considering that the excessive rearmament of the Greek Cypriot side deepens further the existing mistrust between the two sides and constitutes a threat to peace and stability on the island,

Recalling that in the more than 30 years since the establishment of the United Nations Force in Cyprus, it has not been possible to achieve a negotiated settlement of the Cyprus problem,

Mindful of the necessity to respect the full equality of the two sides in Cyprus in order to facilitate the efforts towards an overall settlement,

Recalling its resolution adopted at the twentieth session, as well as the resolution adopted by the Sixth Islamic Summit Conference which decided the enhancement of the participation of the Turkish Muslim community of Cyprus in the Organization of the Islamic Conference,

Noting, in this regard, its resolution adopted at the twenty-second session, as well as resolution No. 14/7-P adopted by the Seventh Islamic Summit Conference,

Appreciating the economic study on the Turkish Muslim community of Cyprus undertaken by the Islamic Development Bank,

Having considered, in this context, the request of the Turkish Cypriot side for full membership in the Organization of the Islamic Conference,

Expressing its solidarity with the Turkish Muslim community of Cyprus and its appreciation for their constructive efforts to attain a just and mutually acceptable settlement,

1. Reaffirms the equality of the two parties in Cyprus as the principle enabling them to live side-by-side in security, peace and harmony without the one having the ability to exploit, oppress or threaten the other;

2. Urges member States to strengthen effective solidarity with the Turkish Muslim people of Cyprus and to increase and expand their relations in all fields and in particular in the fields of trade, tourism, culture, information, investment and sports;

3. Decides to support, until the Cyprus problem is solved, the rightful claim of the Turkish Muslim community of Cyprus for the right to be heard in all international forums where the Cyprus problem comes up for discussion, on the basis of equality of the two parties in Cyprus;

4. Requests the Secretary-General to carry out the necessary contacts with the Islamic Development Bank with a view to seeking the ways and means of the latter's assistance for the development projects of the Turkish Muslim community of Cyprus;

5. Considers that building of mutual confidence between the two parties on the island is essential to make progress towards an overall settlement of the question;

6. Calls on the two parties to cooperate fully with the Secretary-General of the United Nations to achieve agreement for implementing the confidence-building measures and to resume direct talks without any preconditions;

7. Decides to remain seized of the request of the Turkish Muslim community of Cyprus;

8. Requests the Secretary-General to take all the necessary measures for the implementation of this resolution and to make further recommendations as appropriate;

9. Requests further the Secretary-General of the Organization of the Islamic Conference to monitor closely developments in Cyprus and to present a comprehensive report to the Twenty-fourth Islamic Conference of Foreign Ministers.

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COOPERATION BETWEEN THE UNITED NATIONS AND THE AGENCY FOR CULTURAL AND TECHNICAL COOPERATION

Letter dated 20 December 1995 from the representatives of Benin, France and Viet Nam to the United Nations addressed to the Secretary-General

The Bureau of the Group of French-speaking States in New York would be grateful if you would have the enclosed documents, which were adopted at the Sixth Conference of Heads of State and Government of Countries that Use French as a Common Language, circulated as official documents of the General Assembly, under the item entitled "Cooperation between the United Nations and the Agency for Cultural and Technical Cooperation" (see annexes I-IV).

(Signed)	(Signed)	(Signed)
Alain DEJAMMET	René Valéry MONGBÉ	NGO QUANG XUAN
Permanent Representative	Permanent Representative	Chargé d'affaires a.i.
of France	of Benin	of Viet Nam

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ANNEX I

Cotonou Declaration

We, the Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December,

Reiterating our attachment to the French-speaking community based on use of the French language and respect for our different cultures, and in order to reaffirm our solidarity,

Realizing that the vitality of our community will depend on the relevance of responses to our peoples' uncertainties and anxieties and on our ability to turn the French-speaking world into an area of co-development,

Pay tribute once again to the historic role of the United Nations by confirming our support for the Declaration on the occasion of the fiftieth anniversary of the United Nations;

Agree to make full use of all regional mechanisms for the peaceful settlement of disputes and to help strengthen the preventive diplomacy endorsed by the United Nations, including in the French-speaking world;

Reaffirm our faith in democratic values based on respect for human rights and fundamental freedoms, and in full respect for the rights of minorities;

Reaffirm further our profound determination to reduce the ranks of the poor and excluded by means of an increasingly active and concrete solidarity and real involvement of civil society, particularly women, in the development process;

Emphasize once again that the rule of law, democracy, development, security and peace are necessarily interrelated;

Condemn terrorism in all its forms, any attempt to challenge the democratization process, to destabilize legally constituted regimes and any occupation of territory by force;

Resolve to make the French-speaking world more dynamic and forward-looking, by giving new impetus to education and by strengthening our activities for youth;

Emphasize our renewed determination to strengthen the French-speaking world as an instrument for dialogue and multilateral cooperation by giving it legal, material and human resources commensurate with its political ambition, inter alia, by establishing a general secretariat for the French-speaking community;

Decide to act resolutely to correct imbalances in economic and cultural exchanges, with a view to achieving equitable partnership and real solidarity, and to pursue efforts at economic integration with a view to achieving harmonious and lasting development;

Undertake to develop a prominent role for the French-speaking world in the area of new information and communication technologies;

Declare our firm determination to extend the influence of the French-speaking community throughout the world and to work to achieve the legitimate aspirations of our peoples.

ANNEX II

Resolutions

RESOLUTION ON THE FRENCH-SPEAKING WORLD AND INTERNATIONAL RELATIONS

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Recalling resolution 7 of the Chaillot summit conference and resolution 12 of the Mauritius summit conference, on the use of French in global and regional international organizations, and resolution 11, on the French-speaking world and international relations, adopted at the Mauritius conference,

Welcoming the fruitful working relationship established with the United Nations and the participation of the French-speaking world in the commemoration of the fiftieth anniversary of the United Nations and in the summit meetings and global conferences held in 1994 and 1995,

Emphasizing their desire to continue to collaborate in enhancing the effectiveness of the United Nations,

Guided by the need for the French-speaking community to work together on a regular basis, both within international organizations and at large international meetings,

Noting with satisfaction the opening of a liaison office of the Agency for Cultural and Technical Cooperation at the United Nations in New York similar to those already opened in Geneva and Brussels,

Bearing in mind the asset which the presence of international organizations on French-speaking territory constitutes for the French-speaking world,

Welcoming the adoption by the United Nations General Assembly on 3 November 1995 of resolution 50/11, on multilingualism,

Distressed nevertheless by the underuse of the French language in some organizations of the United Nations system, despite the fact that French is one of their official or working languages,

Observing that the principle of the equality of the official languages is increasingly called into question by the holding of "reduced cost", informal meetings,

Deem it essential that the recruitment and training of French-speaking international civil servants be encouraged by all appropriate means, in order to ensure that they are properly represented in international organizations;

Invite civil servants who are nationals of their countries to ensure that the status of the French language is strictly respected in international

organizations, including peace-keeping operations, principally by making certain that the expenses of translation and interpretation into the French language are taken into account when budgets are adopted;

Underline also the importance they attach to the simultaneous distribution in good time of documentation, in both paper and electronic form, in the official languages of the organizations;

Reiterate their recommendations made at the Mauritius and Chaillot summit conferences regarding the preservation of French, an Olympian language;

Decide to work to ensure that the international organizations which have their headquarters in French-speaking territory remain there and that other organizations locate themselves there;

Decide also to intensify the collective efforts and participation of the French-speaking community in international organizations and conferences, particularly at the United Nations Conference on Human Settlements (HABITAT II) and the World Food Summit;

Welcome the unanimous adoption by the United Nations General Assembly on 16 October 1995 of resolution 50/3, on cooperation between the United Nations and the Agency for Cultural and Technical Cooperation, which is intended to promote cooperation between the two secretariats and requests the specialized agencies and other bodies and programmes of the United Nations to cooperate to this end;

Urgently call for the question of the status of the New York office to be settled by agreement with the authorities of the host country;

Desire that the French-speaking world should have permanent observer status in the bodies responsible for implementing the convention between the African, Caribbean and Pacific States and the European Union;

Give the Agency for Cultural and Technical Cooperation a mandate to negotiate financing with the European Union on behalf of French-speaking States and Governments;

Mandate the Permanent Council of French-speaking Countries, with the assistance of the Agency for Cultural and Technical Cooperation, to take all necessary steps for the implementation of this resolution.

RESOLUTION ON CONFLICT PREVENTION, PEACE AND INTERNATIONAL SECURITY

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Recalling resolution 1 of the Mauritius summit conference, on the maintenance of international peace and security, and their desire to strengthen the capacity of the Organization of African Unity to take preventive action,

Reaffirming the common political will expressed by them in the Declaration of the Dakar summit conference to strive for the establishment of a stable and lasting world peace,

Convinced that sustainable and balanced economic development is inseparable from peace and respect for human rights,

Noting the significant progress made in the resolution of a number of conflicts in the world but also the serious disturbances and mounting dangers experienced by some States, particularly in Africa,

Considering that the French-speaking countries should play a more prominent world role in bringing about the advent of lasting peace by making a greater contribution to the dissemination of a culture of tolerance and peace,

Aware of the capacity of their countries to make a special contribution to initiatives already under way at the international, regional or national levels for the prevention, management and resolution of conflicts,

Express their support for the role of regional organizations and agreements in the maintenance of international peace and security and stress the importance of coordinating their efforts with those of the United Nations;

Welcome the creation by the Organization of African Unity of a mechanism for the prevention, management and resolution of conflicts in Africa;

Declare their desire to strengthen the French-speaking community through concerted action, while respecting the sovereignty of member States, to prevent conflicts, alleviate tensions and ensure a peaceful outcome to such crises as arise;

Decide to strengthen the French-speaking world's capacity to react by instituting speedy consultation among their political authorities with a view to determining, when necessary, what measures are to be taken.

RESOLUTION ON SUPPORT FOR DEMOCRATIZATION, THE RULE OF LAW AND HUMAN RIGHTS

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Recalling their active and steadfast commitment to democracy, the rule of law and respect for human rights as the guarantors of economic development and social progress,

Considering that democracy, the rule of law and respect for human rights can never be taken for granted and that their effective implementation calls for sustained effort,

Recognizing the important role that can be played by government and by a public administration that is efficient, competent and accountable to citizens in strengthening the rule of law and in achieving sustainable development,

Reaffirm that an independent, accessible and effectual judicial system is the primary guarantee of the rule of law;

Confirm their commitment to making the French-speaking world an abode of solidarity and the promotion of human rights and fundamental freedoms, to strengthening through their joint commitment the extension of the rule of law, and to uniting the democratic ideal with the aspiration to development;

Reiterate their support for appropriate institutions and mechanisms for promoting democracy, protecting the rule of law and ensuring respect for human rights at the national, regional and international levels;

Decide, in order to promote the ongoing democratization process in the French-speaking world, to maintain their level of support for the holding of electoral consultations, where necessary, while diversifying the kinds of assistance they offer so as to adapt it to the particular context in each country;

Request the Agency for Cultural and Technical Cooperation, in liaison with the Assemblée internationale des parlementaires de langue française (International Assembly of French-speaking Parliamentarians), to promote enhanced inter-parliamentary cooperation, especially for the benefit of the parliaments of the South;

Undertake to contribute actively, in the spirit of the Cotonou Initiative adopted by the Conference of African Ministers of the Civil Service in November 1991, to the examination of the question of public administration and development, the exchange of experiences and the elaboration of the necessary recommendations at the resumed fiftieth session of the United Nations General Assembly in March-April 1996;

Undertake also to ratify and give effect to the Convention on the Elimination of All Forms of Discrimination against Women and to promote the full and equal participation of women in political, civil, economic, social and cultural life through the exercise of their rights, with a view to their full empowerment as citizens of States in which the rule of law prevails;

Call for the universal ratification of the Convention on the Rights of the Child and for its effective implementation;

Decide to combat evils that affect children, such as the sale of children, child prostitution and child pornography as well as the involvement of children, as victims but also as combatants, in armed conflicts;

Undertake to renew their efforts for the ratification of all United Nations human rights conventions.

RESOLUTION ON JUSTICE AND DEVELOPMENT

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Considering the holding at Cairo, from 30 October to 1 November 1995, of the Third Conference of French-speaking Ministers of Justice, pursuant to resolution 18 of the Mauritius summit conference,

Referring to the conclusions of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling the World Conference on Human Rights, held at Vienna in 1993,

Affirming that justice is the guarantor of respect for individual freedoms and is also an essential aspect of development,

Concerned at the growing transnational nature of crime and the harm done by endemic corruption to investments in development,

Guided by the Cairo Declaration,

Proclaim the decade 1995-2005 the Decade for Justice in the French-speaking World;

Reaffirm that the security of persons and property is one of the preconditions of economic development and that legal security in trade and investment is also an essential condition of such development;

Agree that there is a need to create the required conditions for the administration of justice in a way that is conducive to development;

Confirm, accordingly, that in so far as economic development implies increasingly transnational legal relations, there is a need to:

Bring laws into line with the new situations that have resulted from the modernization of economic relations;

Provide particular support to ministries of justice for this purpose within the context of fruitful cooperation among French-speaking countries;

Promote the formation of a judiciary that specializes in economics and finance, in order to enforce the relevant legislation;

Encourage the twinning of jurisdictions;

Emphasize the growing importance of arbitration in the development of international trade;

Agree to take all necessary steps to enable the States of the French-speaking world to acquire a thorough knowledge of the legal provisions that will ensure their active presence in the World Trade Organization;

Support the steps being taken to strengthen efforts to bring business law into line with labour law, with a view to promoting regional economic integration and the progressive formation of an economic community for the French-speaking world;

Decide to combine their efforts to establish effective legal and judicial cooperation in the prevention of crime, especially transnational and organized crime, and the strengthening of criminal justice systems by developing and promoting international instruments pertaining to criminal justice, such as agreements concerning trafficking in women and children, genocide, war crimes, terrorism and drug-related offences.

RESOLUTION ON FOLLOW-UP TO THE CAIRO CONFERENCE

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Recalling resolution 18, adopted by the Mauritius summit conference, on the holding of a third conference of ministers of justice, with a view to identifying means of combining law with development and establishing the rule of law,

Welcoming the holding of this conference at Cairo from 30 October to 1 November 1995, together with the commitments made by the ministers of justice of the countries of the French-speaking world,

Convinced of the relevance of programmes undertaken at the multilateral level by French-speaking countries to develop legal and judicial cooperation, and of the efforts to promote interparliamentary cooperation,

Decide to endorse the conclusions and recommendations of the Cairo Conference, as set forth in the declaration adopted by the Conference, in support of: the independence of the judiciary; an effective form of justice as a guarantor of the rule of law; respect for human rights and fundamental freedoms; and justice as a factor in development;

Adopt the plan of action resulting from this Conference and pledge themselves to support its full implementation;

Declare their willingness to promote the necessary legal and judicial reforms, in particular those provided for in comprehensive plans;

Intend to encourage a substantial increase in the volume of credits allocated for initiatives of French-speaking countries relating to legal and judicial cooperation at both the bilateral and multilateral levels;

Desire to mobilize their Governments to respond to the pressing expectations of their peoples in all areas and to ask them to propose to national parliaments that legislative and budgetary measures corresponding to the above-mentioned approaches be adopted;

Support the efforts needed to ensure that the required budgetary resources are allocated to the justice system with a view to strengthening the rule of law, democracy, protection of human rights and social peace;

Support the Cairo Initiative, which entrusts the ministers of countries comprising the officers of the Conference the task of following up the implementation of the final declaration of that Conference.

RESOLUTION ON AFRICA

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Reaffirming the conviction expressed at previous summit conferences that democracy, development and security are necessarily linked,

Noting with satisfaction the progress made in Africa in the area of democratization and the rule of law,

Concerned at the fragility of the democratization process in certain areas and at the efforts to derail it,

Observing that coordinated, courageous and converging efforts at economic recovery have been made which will enable several countries to return to the international financial community,

Welcoming the continued reduction of areas of tension in Africa, the establishment of a non-racial democratic regime in South Africa, the return of peace to Angola and Mozambique and the beginning of national reconciliation in Liberia,

Deploring the tragic events that have taken place recently in some African States, such as Somalia, Rwanda, Burundi and Liberia, which have entailed significant loss of human life and material damage as well as massive displacements of the population,

Aware of the many difficulties still facing African countries,

Encourage the African countries to pursue their efforts aimed at consolidating democracy and the rule of law, improving their economic and social situation and achieving regional integration through the integration process provided for in the Abuja Treaty, and at preventing conflicts;

Continue to support all these efforts;

Appeal to international cooperation and financial agencies to take the progress achieved in all these areas into account in their activities in Africa;

Request that all measures be taken to ensure the return, resettlement and reintegration of refugees and displaced or dispersed persons;

Undertake to work in the international arena to secure increased development assistance for Africa, particularly within the framework of a new partnership;

Undertake also to work for a more equitable international economic order and for the reduction of the burden which external debt places on the economies of African countries.

RESOLUTION ON RWANDA

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Considering the consequences of the genocide and the massacres perpetrated in Rwanda,

Concerned by the threat of the eruption of new conflicts in the subregion, owing to the presence of 2 million refugees and the acts of violence committed against them,

Convinced that the restoration of peace and stability must include the repatriation of refugees, the rejection of impunity and national reconciliation in general,

Considering that the reconstruction needs of the country are immense and that economic development is also a condition for genuine reconciliation,

Bearing in mind the commitments made at the round-table meeting in Geneva in January 1995 and at the mid-term review at Kigali in July 1995,

Recognizing the efforts of the international community, particularly the United Nations, the Organization of African Unity and the countries of the Great Lakes region, to achieve a lasting peace,

Believing that multilateral cooperation between French-speaking countries has a role to play in resolving the crisis in Rwanda,

Recalling the efforts made to this end in Rwanda by the French-speaking community, particularly the evaluation mission undertaken by the Agency for Cultural and Technical Cooperation in November 1994 with the United Nations Centre for Human Rights and the United Nations Development Programme, its participation in the round-table meeting at Geneva in January 1995 and the organization of an informal meeting of donors in February 1995, as well as the initiative of the Agency for Cultural and Technical Cooperation aimed at rehabilitating the Rwandan education system,

Encourage all initiatives aimed at ensuring the voluntary and concerted return of Rwandan refugees and support the efforts made by the international community to ensure peace, security and development in the subregion, particularly the holding of an international conference on the political

stability, security and development of the Great Lakes region under the auspices* of the United Nations and the Organization of African Unity, while respecting the sovereignty of States;

Appeal urgently for the decisions taken at the Nairobi and Bujumbura conferences and the commitments made at Geneva to be honoured;

Call upon the agents of the French-speaking world, particularly the Agency for Cultural and Technical Cooperation, to increase their activities on behalf of Rwanda, especially in the area of support for the rule of law and the protection of human rights;

Request that the Agency for Cultural and Technical Cooperation provide the French-speaking countries with whatever legal assistance they may require in order to facilitate in their territory the mission of the International Tribunal responsible for bringing to justice the persons presumed responsible for acts of genocide and other serious human rights violations committed in Rwanda and the implementation of United Nations Security Council resolution 978 (1995).

RESOLUTION ON BURUNDI

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Concerned about the serious difficulties of every kind afflicting Burundi,

Concerned also about the acts of violence perpetrated against a large number of exiled, displaced or dispersed persons, and the serious threat such acts pose to peace and security in the subregion,

Recalling the declaration on the situation in Burundi of the Ministerial Conference of French-speaking Countries held in Paris on 30 March 1995, the French-speaking peacemaking mission of April 1995, and the identification mission of May 1995,

Welcoming the ongoing efforts at mediation of the United Nations and the Organization of African Unity (OAU),

Encourage the Government of Burundi to continue its efforts in the context of the Convention of Government aimed at the prompt re-establishment of peace and security throughout the national territory;

Welcome the dispatch to Burundi of the international commission of judicial inquiry established by the United Nations;

Appeal urgently for tolerance, reconciliation among the different elements of Burundian society and the strengthening of democratic values;

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* Reservation by Rwanda.

Request the international community in general and Burundi's neighbours, in particular those countries which have sheltered Burundian refugees, to contribute actively to the re-establishment of peace and security in Burundi and to the voluntary and orderly repatriation of Burundian refugees;

Support the holding, under the auspices of the United Nations and the Organization of African Unity, of an international conference to promote political stability, security and development while respecting the sovereignty of States;

Call upon the agents of the French-speaking world, in particular the Agency for Cultural and Technical Cooperation, to increase their efforts to assist Burundi, particularly in the rehabilitation of justice and the promotion of human rights;

Reaffirm their willingness, within the context of multilateral cooperation between French-speaking countries, to contribute to the search for lasting solutions to Burundi's problems and the strengthening of the rule of law in that country;

Invite the heads of official bodies in the French-speaking world to stand ready, should the need arise, to organize new missions or activities to assist that country.

RESOLUTION ON LEBANON

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Recalling the resolutions of previous summit conferences which reaffirm their solidarity with and support for Lebanon,

Welcoming the commendable progress made in the country's economic and social situation and the sustained efforts of the Lebanese Government to re-establish the rule of law throughout the national territory, which facilitate the implementation of the cooperation projects already approved for Lebanon,

Invite the international community to ensure full implementation of Security Council resolution 425 (1978), with a view to restoring the independence, sovereignty and territorial integrity of Lebanon and achieving a just and lasting peace in the region;

Decide to integrate into the general programming the projects initiated within the framework of the Solidarity Fund for Lebanon created by the Quebec summit conference, in order to contribute to the reconstruction of the cultural, educational, technical and medical institutions, and to continue their work for Lebanon.

RESOLUTION ON FOLLOW-UP TO THE FOURTH WORLD CONFERENCE ON WOMEN

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Recalling the involvement of the French-speaking world in the proceedings of the Fourth World Conference on Women, held at Beijing in September 1995,

Guided by the declaration adopted at the Fourth Ministerial Conference of French-speaking Countries, held at Ouagadougou in December 1994, on the commitment of the French-speaking world to women, which confirmed the course marked out at the preparatory meetings at Nouakchott and Dakar, and recommended the formulation, after Beijing, of objectives for a strategy for assistance by the French-speaking world to women,

Noting the consensus reached at the Beijing Conference on the need to integrate gender issues fully into the mainstream of public policy and on the affirmation of the essential equality between men and women in all areas,

Concurring with the priorities identified during the meeting of ministers and heads of French-speaking delegations in Beijing, namely:

Full exercise by women of their rights;

Education and instruction, which determine equal rights through access to knowledge;

Creation of a true and equal partnership between men and women in political, economic and social development;

Involvement of women, both as participants and as beneficiaries, in development projects and initiatives, at all levels and from the initial stages, in order to enhance their effectiveness;

Empowering women to become real actors in the political and economic spheres and to achieve full participation, on an equal footing with men, in government and decision-making bodies;

Pledge to promote these priority objectives in their respective countries with a view to achieving them fully;

Mandate the Agency for Cultural and Technical Cooperation to integrate gender issues in all its programmes, from their conception, and to contribute to the drawing-up of national plans, and mandate the official bodies of the French-speaking world to hold a meeting during the first half of 1997 on follow-up to the Beijing Conference.

RESOLUTION ON THE EMERGENCY FUND OF THE
FRENCH-SPEAKING COUNTRIES

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Recalling the creation, at the Quebec Summit, of a fund to encourage acts of solidarity to support reconstruction and development in French-speaking countries experiencing particular difficulties, as well as resolutions 11 and 14 of the Dakar and Chaillot summit conferences, respectively, on continuation of the fund,

Bearing in mind the recommendation of the Quebec summit conference that these initiatives, of several years' duration, should be carried out within the framework of regular cooperation programmes, rather than that of the solidarity fund,

Noting that the French-speaking community must make a special, urgent response to emergency situations associated not only with natural disasters (tropical storms, drought, volcanic eruptions and so forth), but also with the devastation wreaked by major political disturbances,

Regretting in particular the problems encountered in implementing the resolutions on Rwanda and Burundi because of the impossibility of raising the necessary funds in the time available,

Decide to replace the existing solidarity fund with an "Emergency Fund" for the mobilization of resources to be used specifically to respond to emergency situations arising as a result of natural disasters or major political disturbances;

Recommend that the implementation of these initiatives by the Agency for Cultural and Technical Cooperation be approved by the Permanent Council of French-speaking Countries.

RESOLUTION ON ECONOMIC COOPERATION

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Convinced that the multilateral economic institutions continue to be key instruments of the international development strategy,

Concerned at the persistence of the international economic crisis, particularly in the developing countries and, especially, in Africa,

Conscious of the close link between democracy and economic development,

Note with satisfaction that there is a correlation between the resources invested to promote the rule of law and the espousal by the countries of the South of democratic values, while regretting that the resources committed by the

French-speaking world to aid economic recovery have fallen short of expectations;

Strongly reaffirm their determination to make the economy a major area of cooperation among the French-speaking countries so that progress made in the democratization process is not undermined by poverty;

Recommend that the various agents should bear in mind the principles set out at the Chaillot summit conference concerning the priority to be accorded to the South, and reaffirm the thrust of their efforts outlined in resolutions 15 and 20 of the Mauritius summit conference, including mobilization of savings, promotion of private enterprise and development of partnerships, and restructuring and regional integration of the countries of the South, with special emphasis on sustainable development objectives;

Desire that the possibility of organizing an economic community of French-speaking countries be considered.

RESOLUTION ON THE EFFECTIVENESS OF DEVELOPMENT ASSISTANCE

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Recalling that the French-speaking world is an area of cooperation and solidarity,

Dedicated to a shared objective of sustainable development which generates employment, promotes social equity, places the human being at the centre of development and respects the environment,

Noting the changes in the international economy and the prospects for growth introduced by the liberalization of trade and the development of private investment,

Noting with concern that developing countries draw unequal benefit from this intensification of international trade, and seeking to avoid the marginalization of some of them,

Concerned by the persistence of extreme poverty and malnutrition and by the adverse social consequences of economic structural adjustment,

Acknowledging the concerns frequently expressed by developing countries with regard to development assistance,

Convinced that the responsibility for development rests primarily with the States concerned,

Further convinced that substantial flows of public funds remain necessary, in the context of international cooperation for development, to assist peoples who lack sufficient financial resources to sustain growth, particularly in the poorest and most indebted countries,

Seeking to increase the effectiveness of international assistance in accordance, inter alia, with the relevant guidelines adopted at the summit meetings of the Group of Seven at Naples and Halifax,

Call upon the multilateral development institutions and other donors to concentrate their assistance on poverty reduction, with priority accorded to the needs of the poorest countries;

Request the United Nations agencies and international financial institutions to work together in the pursuit of development objectives;

Also request the United Nations agencies to take steps to coordinate their activities more effectively;

Invite the community of donor States to continue to provide official development assistance commensurate with their economic and financial capacities;

Emphasize the need to devote a sufficient volume of resources on favourable terms to development assistance;

Also invite developing countries with rapidly growing economies to engage in South-South cooperation in order that other developing countries may benefit from their experience;

Undertake to identify and promote the reforms required to enhance the effectiveness of international development assistance.

RESOLUTION ON THE STRENGTHENING OF MULTILATERAL ECONOMIC DEVELOPMENT INSTITUTIONS

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Recalling the conclusions of the Rio Conference concerning the importance of sustainable development,

Convinced that the multilateral economic institutions continue to be key instruments of the international development strategy,

Also convinced that the responsibility for development rests primarily with States,

Concerned by the persistence of extreme poverty and by the marginalization of the poorest countries,

Further concerned by the social tensions arising from economic structural adjustment,

Seeking to make their contribution to economic development on the basis of dialogue between the different participants in the economic process, including democratic and representative trade unions,

Encouraged by the recent efforts of the international community, including the initiatives put forward by the Group of Seven at its summit meeting at Halifax to enhance the effectiveness of the Bretton Woods economic institutions and the United Nations development assistance agencies,

Invite the members of the international community, including the countries members of the Group of Seven, with particular reference to their summit meeting at Lyon, to maintain the dialogue aimed at strengthening the multilateral economic development institutions;

Call upon the multilateral economic development institutions to allocate their resources to basic social programmes as a matter of priority, to promote the development of a dynamic private sector and to grant resources on concessional terms to those of the poorest countries which have demonstrated their determination and capacity to use such resources effectively;

Undertake to support all measures designed to strengthen the multilateral economic development institutions in order that they may properly fulfil their mandate.

RESOLUTION ON THE INFORMATION SOCIETY

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Conscious of the challenge posed by the very swift development of the information society and of the economic, technological and cultural implications thereof,

Convinced of the need for the French-speaking world to be involved in development of the information highway, in order to protect and promote the development of all the languages and cultures that form the common heritage of mankind,

Recalling that the objective is to mobilize human and technological resources in the French-speaking world in order that such scientific developments may help to improve the lives of all, and particularly of the most disadvantaged,

Bearing in mind the conclusions adopted by the European Council at Corfu on 24 and 25 June 1994 on the importance of the linguistic and cultural aspects of the information society,

Referring to the proposals concerning the information society by the Chair of the Ministerial Conference of the Group of Seven, held at Brussels on 25 and 26 February 1995, which call, inter alia, for an information society at the

service of citizens and stress the importance of promoting cultural enrichment through diversity of content and open access to the networks,

Intend to ensure that a dynamic French-speaking world occupies its rightful place on the electronic networks, while respecting cultural diversity and motivated by a spirit of cooperation with other groups;

Emphasize the strategic importance of interconnection between all the networks of the North and of the South, as well as with the global networks of the information society, and of access to such networks in order to increase the use of French-language services;

Accordingly, call upon the French-speaking countries of the South to strengthen and modernize their telecommunication networks;

Stress the urgent need to develop content by encouraging, inter alia, the creation of French-language servers, the computer processing of language to allow the digitalization of diacritical marks and the use of applications for education and technical, professional and scientific information, as well as by facilitating the creation of databases for the countries of the South;

Agree to facilitate circulation of the French language on the networks by producing French versions of browser software and developing browsers linking French to other languages, while heightening awareness of the need for linguistic diversity on the networks;

Will strive to adapt rules and regulations to the requirements of linguistic and cultural diversity;

Will ensure the complementarity of national, bilateral and multilateral efforts to develop the presence of French on the information highways;

Call for such efforts to focus, as a matter of priority, on: establishing servers from the South; training human resources to develop and use servers and sites; standardizing communication protocols; creating "windows" for countries of the South; and developing content in French;

Call upon the industrialized French-speaking countries to involve the countries of the South in creative work and scientific production by facilitating the transfer of know-how and technology to such countries, in order that their human resources may develop their potential and make their contribution to the joint campaign undertaken in this sphere by the French-speaking world;

Decide to this end to hold a conference of the competent ministers at the earliest opportunity.

RESOLUTION ON THE PRIORITY TO BE GRANTED TO BASIC EDUCATION IN THE EDUCATION SYSTEMS OF COUNTRIES THAT USE FRENCH AS A COMMON LANGUAGE

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Recalling the resolution adopted at the 1993 Mauritius summit conference on reorientation of the Conference of Ministers of Education of Countries that Use French as a Common Language, which seeks to strengthen the political role of the Conference by enabling it, on the one hand, to help formulate and evaluate educational policies in member States and, on the other hand, to guide and define the broad parameters of all programmes relating to education and training submitted to the summit conferences for approval,

Welcoming the conclusions of the forty-sixth session of the Conference, held at Yaoundé in 1994, and especially the declaration on basic education, which recommends the implementation of the following priority programmes:

Democratization and decentralization of education through, inter alia, the development of a dynamic educational partnership;

School financing, expansion of infrastructures and coordination of assistance;

Improvement of school administration and strengthening of institutional capacities;

Educational planning and evaluation;

Education of the girl-child;

Redefinition of the purposes of schooling and curriculum reform;

Production of teaching materials and textbooks;

Motivation, training and supervision of personnel,

Reiterate their desire to expand the Conference to include all States and Governments of the French-speaking world;

Note that, as far as education systems are concerned, basic education is the only appropriate way of meeting fundamental educational needs and enabling every individual to become a real participant in society and an effective and responsible participant in the economic, social and cultural development of his or her country;

Decide to place basic education at the core of their concerns and actions, with a view to restructuring existing education systems;

Request the institutions of the French-speaking world and international organizations to coordinate their efforts to this end.

RESOLUTION ON THE ASSOCIATION INTERNATIONALE DES MAIRES ET RESPONSABLES DES CAPITALES ET MÉTROPOLES PARTIELLEMENT OU ENTIÈREMENT FRANCOPHONES

The Heads of State and Government of the countries that use French as a common language, meeting at Cotonou from 2 to 4 December 1995,

Recalling resolution 6 of the Mauritius summit conference, which recognized the unique nature of the Association internationale des maires et responsables des capitales et métropoles partiellement ou entièrement francophones (International Association of Mayors and Others Responsible for Partially or Entirely French-speaking Capital Cities or Metropolises), composed of locally elected political officials,

Referring to resolution 11 of the Chaillot summit conference, on simplification and consolidation of the institutions of the French-speaking world,

Considering the growing participation of the Association in the determination of development policies in French-speaking municipalities,

Emphasizing, in particular, the activities of the Association in support of democratization,

Decide to recognize the Association internationale des maires et responsables des capitales et métropoles partiellement ou entièrement francophones as a direct participant in summit conferences;

Request the Permanent Council of French-speaking Countries to monitor the implementation of this decision.

ANNEX III

Thoughts on the international political situation

1. General approach

The Cotonou summit conference was held in 1995, thus coinciding with the fiftieth anniversary of the founding of the United Nations and the twenty-fifth anniversary of the Agency for Cultural and Technical Cooperation (ACTC). The Heads of State and Government of the countries that use French as a common language commended the vital role of the United Nations in the maintenance of international peace and security and in the economic and social fields. They stressed the need to support efforts aimed at enhancing the coordination and coherence of the Organization's work in pursuit of its objectives. In this context, the Heads of State and Government of countries that use French as a common language considered ways and means of strengthening solidarity in the French-speaking world and helping to enhance the effectiveness of action by the international community.

It was noted in the discussions that the French-speaking world cannot by itself tackle all the major problems and challenges facing the world at the dawn of the twenty-first century. The high stakes involved both in the economic and social development of countries and in the prevention and settlement of conflicts are the concern of all countries, whether they are members of the French-speaking world or not.

The Heads of State and Government welcomed the progress made by the French-speaking community, which had set itself specific and well-targeted rallying objectives. With a view to promoting the visibility, performance and collective impact of the French-speaking world, the Heads of State and Government reiterated the importance of the use of French as the linchpin and foundation of their joint undertakings. They stressed that the French-speaking world must facilitate the transmission, in French, of knowledge and technology, while promoting better mutual understanding.

The participants expressed the wish that the countries of the French-speaking world should continue to work together to promote their own growth through a dialogue of cultures and differences in a world that is more dependent on technology than ever before and is all too often forced to accept linguistic uniformity. The Heads of State and Government stressed that the French-speaking world must adapt to the modern-day intermingling of cultures resulting as much from population movements as from the new accessibility of communications in all forms. In this context, the French-speaking world must promote regional exchanges in the area of communications in order to participate in the vitally important information highway revolution.

The participants expressed satisfaction that the French-speaking world is avoiding the temptation to close itself off on the basis of strictly linguistic considerations. They noted that the French-speaking world has progressively staked out a place for itself in major international conferences with the objective of making a special contribution to the progress of mankind.

2. The international situation

The international situation is characterized by an increase in national conflicts, the resurgence of nationalist extremism and the resumption of border conflicts which had been suppressed for decades, all of which are of deep concern to observers of the international scene. At the end of 1995, numerous sources of tension persist and are spreading. Six years after the fall of the Berlin wall, the Heads of State and Government reassessed the new international order.

Europe

All the participants noted that the time has never been so auspicious for the establishment of a democratic peace throughout Europe. The building of Europe is progressing and the European Union is continuing its policy of openness to the East, as demonstrated by the various agreements reached with the countries of Central and Eastern Europe. The North Atlantic Treaty Organization (NATO) has launched its "partnership for peace" programme with a view to increasing security and stability in Europe.

The situation in Russia, particularly in the Chechen Republic, is a matter of concern for the entire French-speaking world. The French-speaking States welcome the cease-fire agreement in the Chechen Republic and hope that the resumption of dialogue will lead to a lasting political solution. The French-speaking countries recognized that the problems of security and instability in several regions of the former Soviet Union are acute and urged recourse to international institutions, including the Organization for Security and Cooperation in Europe (OSCE).

With regard to the tragedy of the former Yugoslavia, the Heads of State and Government welcomed the progress made and call on the parties to take the necessary steps to ensure that the agreements which have recently been initialled lead to a lasting peace.

Asia and the Pacific

The Heads of State and Government welcomed the consolidation of the Asia-Pacific region and the expansion of the Association of South-East Asian Nations (ASEAN). The admission of Viet Nam to ASEAN is an example of enlightened economic integration in the major international circuits. They noted with interest the participation of China in the formulation of solutions to political, economic and commercial problems in Asia. They all expressed the hope that the transfer of Hong Kong to China in 1997 would proceed in accordance with the agreements concluded. They are in agreement that the full integration of China into the Asia-Pacific region will be one of the major challenges of the years to come.

The risks of conflict in Kashmir continue to be a source of concern to the international community in view of the importance of the parties involved. These parties were urged to seek a peaceful settlement which would make it possible to reduce tension and increase security in the overpopulated Indian subcontinent.

The Heads of State and Government expressed regret that the civil war continues in Sri Lanka and voiced the hope that peace would be established there.

The Middle East and Africa

In the Middle East, the peace process is continuing and must be encouraged. The Heads of State and Government condemn the assassination of Israeli Prime Minister Yitzhak Rabin and hope that this act will not impede the continuation of the peace process. They note with satisfaction the signing in Washington, D.C., on 28 September 1995 by the Israelis and Palestinians of the Taba Agreement, which paves the way for final negotiations. They hope that the resumption of Israeli-Lebanese and Israeli-Syrian negotiations and the resolve of all the parties involved in the Middle East will lead to a global, just and lasting peace in the region.

The Heads of State and Government express their support for the Lebanese Government in its efforts for national reconstruction. They declare themselves in favour of the implementation of Security Council resolution 425 (1978) with a view to restoring the independence, sovereignty and territorial integrity of Lebanon.

In sub-Sahara Africa, the genocide and massacres in Rwanda are one of the worst tragedies of the century. The extremist genocidal elements must be neutralized and brought before the International Tribunal for Rwanda, which held its first plenary meeting on 26 June 1995. The Heads of State and Government stressed the need to learn from the lessons of the Rwandan tragedy so that similar mass killings would not occur. In the wake of the displacement of hundreds of thousands of refugees from Rwanda and Burundi to neighbouring countries, particularly Zaire, the Heads of State and Government believe that an overall solution must be found for the Great Lakes region. They recommend that after an assessment of the implementation of the resolutions adopted at the regional and international conferences at Nairobi, Bujumbura and Cairo, an international conference on the political stability, security and development of the region should be held under the auspices* of the United Nations and OAU, while respecting State sovereignty, and appeal to the Rwandan people to continue to support this momentum for peace.

Since the Mauritius summit conference, many other civil conflicts within States (including Liberia, Sierra Leone, Somalia and the Sudan) have weakened Africa and slowed its development, causing the flight of millions of refugees and untold damage. The French-speaking world, over half of whose members are African, has a special responsibility in preventing such conflicts, which are disasters in human as well as economic and social terms. The attack on the Federal Islamic Republic of the Comoros during the night of 27/28 September 1995 concerns the international community as a whole and the French-speaking community in particular, and underscores the need for greater vigilance.

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* Reservation by Rwanda.

The Heads of State and Government appeal to the Nigerian authorities to promote the establishment of the rule of law and democracy.

On a more positive note, the Heads of State and Government welcome the democratic transfer of power in South Africa. They welcome the peace agreements signed in Angola, Liberia and Mozambique. They further welcome the return of peace to the northern part of the Sahel and support its consolidation. These good news show that there is cause for some optimism with regard to Africa's long-term prospects, although much remains to be done in the areas of conflict prevention and improving the well-being of the people. They also welcomed the increase in the number of democratic elections held in the French-speaking world over the past two years and the subsequent general consolidation of the rule of law.

The Americas

The latest Summit of the Americas in Miami has strengthened the spirit of cooperation between the two American hemispheres in the economic and political fields; this is bound to promote democracy and development in many South American and Caribbean States. The recent legislative elections in Haiti were an unqualified success, testifying to the consolidation of democracy in that country.

3. Spheres of activity

Conflict prevention

It is important that the French-speaking world play a role in conflict prevention and that it devise mechanisms that will allow it to use its considerable weight, given the number and importance of French-speaking States, in international organizations. At a meeting of French-speaking countries on conflict prevention, held in Ottawa in September 1995, a number of guiding principles were identified which could serve as a basis for conflict-prevention efforts.

Rapid response to conflicts

The Heads of State and Government took note of the proposals put forward by various bodies with a view to enhancing the rapid intervention capability of the United Nations in peace-keeping operations. In that regard, the Prime Minister of Canada took advantage of the Conference to present a report constituting Canada's special contribution to the fiftieth anniversary of the United Nations.

Towards sound political, economic and social management of the State

The Heads of State and Government considered key issues relating to the problems of sustainable economic development, economic growth, debt and trade, population growth and massive population movements.

At Cotonou, the French-speaking community made a commitment to promote human-centred sustainable development that emphasizes poverty elimination with a view to integrating the poorest countries into the world economy. The

French-speaking countries want to act as a catalyst that will mobilize the international community to produce substantial outcomes.

The French-speaking world must promote its ideas regarding solidarity and consolidation of the rule of law. The Heads of State and Government agree to continue to promote human rights, the development of democracy and rigorous management of the State. They will continue their efforts to ensure the participation of the population as a whole in the exercise of power without discrimination.

The French-speaking States have demonstrated that they accept democratic criticism and that they are participating in the consolidation of democracy by fostering a dialogue with civil society, including non-governmental associations and organizations. The Heads of State and Government shall endeavour to conclude regional agreements to reduce Governments' arms requirements. They will use the resulting savings for the development of their human and natural resources in order to ensure sustainable and balanced economic growth.

Arms control and disarmament

The Heads of State and Government, who stand ready actively to promote the signing in September 1996 of a comprehensive test-ban treaty, welcomed the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons. The Heads of State urged leaders of nuclear-threshold countries to agree to the effective monitoring of their weapons and those of non-signatory countries to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons. They also welcomed the adoption by the United Nations at its fiftieth session of the Treaty declaring Africa a nuclear-weapon-free zone, pursuant to the resolutions adopted by the Organization of African Unity at Addis Ababa in June 1995, and invited the international community to take all the necessary steps for the entry into force of that Treaty. They requested all countries to refrain from taking any initiatives that might heighten regional tensions. They deplored the continuing world-wide imbalance between spending on weapons and spending on development.

The Heads of State and Government continue to be deeply concerned about the vast quantities of conventional weapons in circulation. According to the United Nations, over 90 per cent of the victims of intra-State conflicts are civilians. Unless the proliferation of weapons, including light weapons and anti-personnel mines, is stopped, civilians will continue to be the victims of war. The Heads of State and Government agreed that the international community and Governments must work together in order to reduce the use of weapons. Specifically, participants in the summit conference undertook to support de-mining efforts in the French-speaking world.

Lastly, refugees constitute one of the most serious problems in the world: in Africa alone, 22 French-speaking countries took in over 3.5 million refugees and displaced persons last year. Yet there are no real prospects for a lasting solution, and the institution of asylum may thus be at serious risk. Consequently, the scope and complexity of the refugee problem in Africa and elsewhere call for innovative and bold strategies.

ANNEX IV

Thoughts on the world economic situation

Since the Mauritius summit conference, globalization of the economy and the strengthening of links between political and economic factors have continued. Globalization has been accompanied by increased regional economic integration, reflected in the signing of the Uruguay Round, the entry into force of the Maastricht Treaty and of the North American Free Trade Agreement (NAFTA), the Abuja Treaty, as well as the expansion of the European Union to 15 members, of the Association of South-East Asian Nations (ASEAN) to seven members, and of the Southern African Development Community (SADC) to 12 members. The end of the recession and the establishment of the World Trade Organization have also favoured the globalization of trade and had an impact on world-wide economic relations. In this period of global economic integration, the French-speaking world must act as a focus for concertation and cooperation among its members so that they can better tackle the many challenges facing them.

1. Recent developments in the world economic situation

In 1994-1995, the world economy began a new cycle of growth which was more widespread than in previous years. Growth rates reached 3 per cent in the countries of the Organization for Economic Cooperation and Development (OECD), leading to increased inflationary pressures relative to the exceptionally low inflation rates of recent years. Despite the recovery, there is still considerable structural unemployment in many countries, requiring adjustment of policies and regulation of investments and the labour market. The budgetary situation of several countries will have to be improved in order to maintain growth, promote investment and employment, and reduce the danger of volatility on financial and money markets. Such risks mean that countries seeking to attract capital must gain the confidence of investors, who often view the countries of the South with excessive caution.

Although several economies in transition continue to experience serious problems of economic instability, economic recovery has taken place there, too, particularly in those countries which are implementing stringent reforms. While Latin America has experienced significant economic growth, the Mexican crisis on the financial markets in December 1994 had a considerable negative impact on capital flows into the countries of the region and developing countries as a whole. As a result of this crisis, the international community asked the International Monetary Fund (IMF) to consider setting up mechanisms to prevent the recurrence of such a disaster.

The Summit of the Americas, held in Miami in 1994, laid the foundations for the negotiation of a free trade zone covering the entire hemisphere, including the Caribbean. This lowering of barriers to trade and the recent establishment of the Association of Caribbean States (ACS) pave the way for improved economic integration in the region. In addition, the positive resolution of the crisis in Haiti should enable that country to take a more active part in the economic life of the region.

The Asia-Pacific region continues to enjoy high levels of economic growth, varying between 8 and 10 per cent, thanks to increases in exports and in domestic demand; as a result, inflationary pressures in the region have grown.

In the Middle East and in the oil-producing countries, the recovery has been slower because of the fall in world oil prices in 1994. An upturn is expected in 1995, as a result of rising oil prices.

In Africa, the overall picture is one of moderate economic growth, despite major disparities in the performances of individual countries. Those which have undertaken difficult economic and financial reforms have enjoyed satisfactory economic growth, which could be improved upon with more public and private investment. The combination of reforms and relatively stable prices on world markets for agricultural produce and raw materials have provided several countries with increased income. Since the devaluation of the CFA franc in January 1994 and the measures which accompanied it, the situation of some franc-zone countries has improved. External trade has shown signs of recovery, and the public sector deficit has been reduced. In this new climate, the recession of the previous four years was brought to an end; annual growth rates of 2 to 4 per cent were forecast for the past biennium.

The countries of the French-speaking world are characterized by widely differing levels of development. In 1993, they represented 9 per cent of the world population and 8.8 per cent of the world's gross national product (GNP). Although this figure seems positive, their share of world GNP is only 0.7 per cent if the developed countries (Belgium, Canada, France, Luxembourg, Monaco and Switzerland) are excluded. Out of a total of 47 countries and Governments, the French-speaking world includes 21 least developed countries and 15 middle-income countries, including Romania and Bulgaria, both countries in transition to a market economy (1995 UNDP report).

Outlook

According to World Bank, IMF and United Nations Conference on Trade and Development (UNCTAD) forecasts, positive developments can be expected in the economies of the French-speaking world. The World Bank forecast in 1994 that Viet Nam and, to a lesser extent, Cambodia and the Lao People's Democratic Republic, would benefit from the high annual growth rate in South-East Asia, i.e. more than 5 per cent between 1994 and 2003. The rate for Tunisia and Morocco during the same period is expected to vary between 4 and 5 per cent. Sub-Saharan Africa, with forecast average growth of about 3.9 per cent per year, may see some improvement in its situation. However, growth will be slower in the least developed countries, as a result of the overall decline in personal income there over the past 10 years. The economic outlook for this region should be viewed with caution. Much uncertainty remains, particularly in respect of interest rate levels, the results of the various structural adjustment programmes, the movements of commodity prices and the long-term consequences of the devaluation of the CFA franc. This uncertainty is compounded by unstable climate conditions, which influence agriculture-based economies.

2. International trade

World-wide growth has contributed to an increase in international trade, despite the fact that Africa's share, given that the region's economy is based on commodities, is gradually decreasing. Although deteriorating terms of trade continue to affect a number of economies, the relative stability of the prices of manufactured goods on world markets and the increase in the market prices of certain commodities, such as coffee and cocoa, have had a positive effect in certain developing countries. The signature of the Uruguay Round at Marrakesh in April 1994 and the establishment of the World Trade Organization in January 1995 should provide developing countries with better access to markets in the North. On that basis, and with suitable technical assistance, the developing countries should take the necessary steps to become fully integrated into the world trading system, liberalizing their economies and lowering tariff barriers if need be. Such reforms, while restrictive in the short term, should lead to better use of resources and to growth in the medium and long terms.

According to the Haut Conseil de la Francophonie, the French-speaking countries' share of international trade amounts to 17 per cent of total world exports (601.72 billion United States dollars in 1993). However, the share of the countries of the South and Central and Eastern Europe (Romania and Bulgaria) is only 1.9 per cent. This figure also has to be qualified, since the exports of the great majority of the countries of the South consist of a few agricultural commodities which undergo little processing (coffee, cocoa, timber and so forth).

The diversity of the French-speaking world makes it possible to establish privileged relationships among the various regional groups at a time when the importance of regional integration is growing. Having this advantage, the French-speaking community should extend its cooperation beyond the traditional fields of education and culture into the areas of technology and industry. The French-speaking world must take great care to ensure the participation of its member States, especially those which are developing countries, in the global economy and the international trading system.

3. Cooperation, economic partnership and development

Budget stringency measures have led several donors to reduce their spending on official development assistance. Other, more encouraging trends have been noted, such as the conversion of bilateral lending programmes to grant programmes. There has also been an increase in the volume of resources allocated for emergency humanitarian assistance and a marked decrease in financial flows to developing States, particularly the least developed countries. At the Halifax summit meeting, the countries of the Group of Seven agreed to give priority to Sub-Saharan Africa with a view to reducing extreme poverty. They also decided to increase their efforts to integrate the poorest countries into the world trading system.

In this connection, the international financial institutions and the United Nations development agencies, in particular IMF, the World Bank and the regional development banks, have received urgent requests for assistance. These institutions, which have been studying the matter, need to improve their

performance, coordinate their programmes more effectively and ensure optimum use of their resources to meet the needs of member States.

In several States of the South, economic problems have, unfortunately, been aggravated by internal or border conflicts. Other countries, meanwhile, have been able to improve their development prospects by moving towards democracy and the rule of law, thus stabilizing their societies and reassuring both their own citizens and foreign investors. Tight management of government funds and public administration is the necessary corollary to this progress so that the available resources may be concentrated on meeting the basic needs of the population (education, health, housing). Private- and informal-sector development support, improved tax collection and the establishment of a legal framework which encourages investment are also important strategic factors for sustained and equitable economic growth. Population growth must also be contained.

Globalization of the economy and the development of information and communication technologies have highlighted, more than ever before, the interdependence of countries. The security, including economic security, of one country is increasingly dependent on that of other countries. Accordingly, and in order to pursue the goals of sustainable development, military expenditures must be limited and the resulting funds allocated to activities to promote economic growth and social welfare.

With regard to the environment, at the Cairo Conference on population and the Barbados Conference on small island developing States the international community reiterated the importance of safeguarding the land and marine environment to ensure sustainable resource management and long-term economic development.

The Cairo Conference and the World Summit for Social Development at Copenhagen have also demonstrated the importance of considering the social dimension in planning economic development assistance programmes.

4. Debt

Since 1994, discussion of the debt problem has intensified and the Group of Seven has encouraged the Paris Club to develop an approach that would make it possible to attack the outstanding debt directly rather than merely reschedule payments. At Naples, the Paris Club adopted the proposals for offering more concessional terms to the poorest and the most highly indebted countries, for which the debt burden remains excessive. These measures constitute a major step forward which has implications for both the level of debt reduction and the way it is handled. They make it possible for the poorest countries to concentrate on economic reforms with a view to achieving sustainable development.

The bilateral approach must be complemented by a multilateral component. The international economic institutions are invited to make better use of existing mechanisms in order to prevent the problem of the multilateral debt of the poorest and most heavily indebted countries from contributing to the problem of bilateral and commercial debt.

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ELECTIONS TO FILL VACANCIES IN
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OF A MEMBER OF THE
INTERNATIONAL COURT OF JUSTICE

SECURITY COUNCIL
Fifty-first year

Memorandum by the Secretary-General

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I. INTRODUCTION

1. By a letter dated 24 October 1995, the Deputy Registrar of the International Court of Justice informed the Secretary-General of the death of Judge Andrés Aguilar Mawdsley (Venezuela) on that date and of the resulting occurrence of a vacancy in the Court. Judge Aguilar Mawdsley became a member of the Court on 6 February 1991. His term of office would have ended on 5 February 2000. According to Article 14 of the Statute of the Court, the vacancy shall be filled by the same method as that laid down for the regular election and the Secretary-General shall, within one month of the occurrence of the vacancy, issue the invitations for nominations provided for in Article 5. According to Article 5, the invitations for nominations have to be made at least three months before the date of the election which shall, pursuant to Article 14, be fixed by the Security Council.

2. By a note dated 1 November 1995 addressed to the Security Council (S/1995/914), the Secretary-General drew its attention to Article 14 of the Statute of the Court regarding fixing the date of the election to fill the vacancy in the International Court of Justice. Pursuant to Article 14 of the Statute of the Court, the Security Council decided by resolution 1018 (1995) of 7 November 1995 that the election to fill the vacancy should take place on 28 February 1996, at a meeting of the Security Council and at a meeting of the General Assembly at its fiftieth session. Pursuant to rule 15 of its rules of procedure, the General Assembly, at its 77th plenary meeting, held on 1 December 1995, decided to include in the agenda of its fiftieth session an additional item as sub-item (c) of agenda item 15 (Elections to fill vacancies in principal organs), reading as follows: "Election of a member of the International Court of Justice" (A/50/237 and A/50/PV.77).

3. Pursuant to Article 5, paragraph 1, of the Statute of the Court, the Secretary-General, in a communication dated 20 November 1995, invited the national groups of States parties to the Statute of the Court to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 2 February 1996. A list of the nominations (A/50/866-S/1996/52) received by that date and the curricula vitae of the candidates (A/50/867-S/1996/53) will be transmitted in separate documents to the General Assembly and the Security Council. The names of the candidates will appear on the ballot papers to be distributed during the election.

4. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term. The member elected to replace Judge Andrés Aguilar Mawdsley will thus serve until 5 February 2000.

5. The present composition of the Court and the procedure in the General Assembly and the Security Council for filling the vacancy are described below.

II. COMPOSITION OF THE INTERNATIONAL COURT OF JUSTICE

6. The present composition of the International Court of Justice is as follows:

President: Mr. Mohammed Bedjaoui (Algeria)*

Vice President: Mr. Stephen M. Schwebel (United States of America)*

Judges: Shigeru Oda (Japan)***
Gilbert Guillaume (France)**
Mohammed Shahabuddeen (Guyana)*
Christopher G. Weeramantry (Sri Lanka)**
Raymond Ranjeva (Madagascar)**
Géza Herczegh (Hungary)***
Shi Jiuyong (China)***
Carl-August Fleischhauer (Germany)***
Abdul G. Koroma (Sierra Leone)***
Vladlen S. Vereshchetin (Russian Federation)*
Luigi Ferrari Bravo (Italy)*
Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland)**

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* Term of office expires on 5 February 1997.

** Term of office expires on 5 February 2000.

*** Term of office expires on 5 February 2003.

III. PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL

7. The election will take place in accordance with the following provisions:

(a) The Statute of the Court, in particular Articles 2 to 4, 7 to 12 and 14;

(b) Rules 150 and 151 of the rules of procedure of the General Assembly;

(c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

8. In accordance with General Assembly resolution 264 (III) of 8 October 1948, Nauru and Switzerland, which are parties to the Statute of the Court but not Members of the United Nations, have been invited to participate in the General Assembly in electing members of the Court in the same manner as the States Members of the United Nations.

9. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect a member of the Court to fill the vacancy (Article 8 of the Statute).

10. According to Article 2 of the Statute, judges are to be elected, regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

11. The candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council will be considered as elected (Article 10, paragraph 1, of the Statute).

12. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors. The electors in the General Assembly are all 185 Member States, together with the two non-member States mentioned in paragraph 8 above that are parties to the Statute of the Court. Accordingly, as at the date of the present memorandum, 94 votes constitutes an absolute majority in the Assembly for the purpose of the Court election.

13. In the Security Council, eight votes constitutes an absolute majority and no distinction is made between permanent and non-permanent members of the Council (Article 10, paragraph 2, of the Statute).

14. Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly and in the Security Council will indicate the candidate for whom they wish to vote by placing a cross against the name on the ballot paper. Each elector may vote for only one candidate.

15. At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion took place as to whether rule 94 (then rule 96) of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority. The Assembly decided that the rule did not apply to elections to the Court and it proceeded to elect the requisite number of candidates by a series of unrestricted ballots. That decision has been followed consistently.

16. If in the first ballot in either the General Assembly or the Security Council no candidate receives an absolute majority, a second ballot will be held and balloting will continue in the same meeting until a candidate has obtained the required majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).

17. Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballot. The practice followed by the Council has been to hold a new vote on all the candidates, and for the President of the Council to make no notification to the President of the General Assembly until only the required number of candidates, and no more, have obtained an absolute majority in the Council.

18. When a candidate has obtained the required majority in one of the organs, the President of that organ will notify the President of the other organ of the name of that candidate. Such notification is not communicated by the President of the second organ to the members until that organ has itself given a candidate the required majority of votes.

19. If, upon comparison of the name of the candidate so selected by the General Assembly and by the Security Council, it is found that the result is different, the Assembly and the Council will proceed, again independently of each other, in a second meeting and, if necessary, a third meeting, to elect one candidate by further ballots, the results again being compared after one candidate has obtained an absolute majority in each organ. If necessary, the above procedure will be repeated until the General Assembly and the Security Council have given an absolute majority of votes to the same candidate.

20. If, however, after the third meeting the vacancy still remains unfilled, the special procedure set out in Article 12 of the Statute of the Court may be resorted to at the request of either the General Assembly or the Security Council.

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SECURITY COUNCIL
Fifty-first year

List of candidates nominated by national groups

Note by the Secretary-General

1. By a letter dated 20 November 1995, addressed to States parties to the Statute of the International Court of Justice, the Secretary-General drew attention to the vacancy in the International Court of Justice caused by the death of Judge Andrés Aguilar Mawdsley (Venezuela) on 24 October 1995. In the same communication, the Secretary-General, in accordance with Article 5, paragraph 1, of the Statute of the Court, invited the national groups of States parties to the Statute to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 2 February 1996.

2. In accordance with Article 7 of the Statute of the Court, the Secretary-General has the honour to submit to the General Assembly and to the Security Council the candidates nominated by the national groups (see annex).

3. The composition of the Court and the voting procedure to be followed in the General Assembly and in the Security Council are contained in a memorandum by the Secretary-General issued as document A/50/865-S/1996/51. The curricula vitae of the candidates appear in document A/50/867-S/1996/53.

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ANNEX

List of candidates nominated by national groups

(As of 5 February 1996)

Name and nationality	Nominated by the national group of
Barberis, Julio A. (Argentina)	Argentina Bulgaria Colombia France Luxembourg Netherlands Paraguay Poland Switzerland
Parra-Aranguren, Gonzalo (Venezuela)	Italy Venezuela
Villagran Kramer, Francisco (Guatemala)	Guatemala Mexico